

MEMORANDUM

Agenda Item No. 11(A)(4)

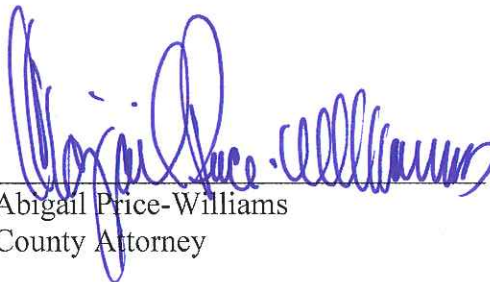
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: June 19, 2018

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Mayor to negotiate a License Agreement with Basketball Properties, Ltd., as the Manager and Operator of the American Airlines Arena, for its use during agreed-upon days of the property commonly known as Parcel B for parking and staging for Arena events, and to present a written recommendation on such agreement to the Board of County Commissioners within 180 days

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Esteban L. Bovo, Jr.



Abigail Price-Williams
County Attorney

APW/cp

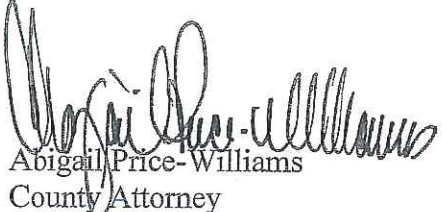


MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

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Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(4)
6-19-18

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO NEGOTIATE A LICENSE AGREEMENT WITH BASKETBALL PROPERTIES, LTD., AS THE MANAGER AND OPERATOR OF THE AMERICAN AIRLINES ARENA, FOR ITS USE DURING AGREED-UPON DAYS OF THE PROPERTY COMMONLY KNOWN AS PARCEL B FOR PARKING AND STAGING FOR ARENA EVENTS, AND TO PRESENT A WRITTEN RECOMMENDATION ON SUCH AGREEMENT TO THE BOARD OF COUNTY COMMISSIONERS WITHIN 180 DAYS

WHEREAS, in July of 2014, this Board approved amended and restated agreements with the Miami Heat Limited Partnership, a Florida limited partnership (the "Team") and Basketball Properties, Ltd., a Florida limited partnership and affiliate of the Team (the "Arena Manager"), for the development, improvement, operation and management of a professional sports franchise facility, which is known as the American Airlines Arena (the "Arena"); and

WHEREAS, the Arena is owned by the County, sits on County-owned land, and the construction of the Arena was funded and undertaken by the Team in exchange for the use of the land, and an annual payment from the County; and

WHEREAS, while the Arena was constructed with substantial underground parking, historically the Arena Manager has applied to the County on an ad-hoc basis through the process set forth in Administrative Order ("AO") 8-5 for a permit to conduct private business and use the property behind the Arena (commonly referred to as Parcel B) for parking and staging for Arena events; and

WHEREAS, development in the downtown area has reduced the number of surface parking spaces in the vicinity of the Arena; and

WHEREAS, in order to secure the future and continued success of the Arena, the Arena Manager has applied to the County seeking, rather than the ad-hoc permit under AO 8-5 for the use of Parcel B each time it is needed, a license agreement for the use of Parcel B for agreed-upon days every year at a mutually agreed upon rate; and

WHEREAS, any License Agreement with the Arena Manager should provide the County with the right to use and allow third parties to use Parcel B during all other days of the year that the property is not reserved for use by the Arena Manager; and

WHEREAS, the term of any agreement with the Arena Manager should run concurrent with, and be conterminous with, the expiration or termination of the Memorandum of Understanding with the Cuban Exile History Museum, Inc. ("CEHM"); and

WHEREAS, CEHM will be required, pursuant to the terms of its MOU, to work collaboratively with the County, the Team, and the Arena Manager so as to ensure that the design and development of the Cuban Exile History Museum on Parcel B preserves, to the maximum extent possible, the Arena Manager's continued and reasonable use of Parcel B for parking and staging during Arena events; and

WHEREAS, prior to the commencement of the lease agreement between the County and CEHM of Parcel B, this Board desires and anticipates that a long-term use agreement will be negotiated and approved to address the Arena Manager's parking and staging needs on Parcel B in concert with the development and operations of the Cuban Exile History Museum,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are incorporated herein by reference and adopted.

Section 2. This Board hereby directs the County Mayor or County Mayor's designee to negotiate a License Agreement with the Arena Manager for the use of Parcel B, and to present a written recommendation to this Board as to whether the County should enter into such a License Agreement within 180 days of the effective date of this resolution.

The Prime Sponsor of the foregoing resolution is Chairman Esteban L. Bovo, Jr. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Daniella Levine Cava	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
District 5 - Vacant	

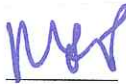
The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of June, 2018. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Monica Rizo Perez